

Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested.

The written description portion of the specification, the abstract of the disclosure, and claims 1-7 have been editorially amended. New claims 8-13 have been added. Claims 1-13 are now pending in the application. The objections and rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

The specification has been editorially amended for conformance with 37 CFR § 1.77(c) and to correct any informalities. The abstract has been editorially amended for conformance with 37 CFR § 1.72(b).

Claims 1-7 have been editorially amended to even more particularly point out and distinctly claim the subject matter of Applicant's invention.

New claims 8-13 have been added to further define the scope of protection sought for Applicant's invention. Support for the recitations is found, for example, at specification pages 3-5, and in drawing Figures 1-4.

Entry of each of the amendments is respectfully requested.

Objection to Claims 4-7

The objection to claims 4-7 under 37 CFR § 1.75(c) is respectfully traversed. In Applicant's Preliminary Amendment filed with the application on December 2, 2004, claims 3-5 and 7 were amended to eliminate multiple dependencies.

Reconsideration and withdrawal of the objection under 37 CFR § 1.75(c) are respectfully requested.

35 U.S.C. § 103(a) - Cooper in view of Kliot

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,577,652 to Cooper in view of U.S. Patent No. 5,415,332 to Kliot.

The Office Action asserts that "Cooper discloses the bag (10) comprising the bottom wall (36) and four side-wall portions that extend along respective edges of the bottom wall (36), and further comprising the front wall (38) that connects with the side-wall portions (See Figure 1), wherein the bag strap (14) has two ends that are connected to the first side-wall portion (30) by means of the connecting fitting (20) (See Figures 1 & 2), and wherein the strap (14) extends through the strap transit fitting (20) on the bag (10)." The Office Action also asserts that Cooper discloses "that the fitting (20) connecting the strap ends (14) is able to pivot in the plane of the first side-wall (30)."

The Office Action acknowledges that "Cooper does not disclose that the strap transit fitting is attached to a second sidewall portion located immediately opposite the first sidewall portion," and that "Cooper does not disclose that the strap is arranged to lie in flat abutment with and along the first and the second side-wall portions and in flat abutment with and along the intermediate third side-wall portion."

The Office Action asserts that "Kliot teaches the strap transit fitting (60 & 62) is attached to the second sidewall portion located immediately opposite the first sidewall portion for the purpose of the user accessing the strap easier." The Office Action concludes that "[i]t would have been obvious . . . to make the strap transit fitting attached to the second side-wall portion as taught by Kliot with the bag of Cooper in order to enhance the users gripping and carrying posture."

The Office Action also asserts that "Kliot also teaches the strap (14) is arranged to lie in flat abutment with and along the first and the second side-wall portions and in flat abutment with and along the intermediate third side-wall portion for the purpose of shortening the strap when not in use." The Office Action concludes that "[i]t would have been obvious . . . to arrange the strap to lie flat abutment as taught by Kliot with the bag of Cooper in order to enhance the bag and strap multi-functional capabilities."

The rejection of claim 1 under § 103(a) over Cooper and Kliot is respectfully traversed. The combined disclosures of Cooper and Kliot would not have rendered obvious Applicant's claimed bag. First, the combined disclosures of Cooper and Kliot do not teach or suggest all of Applicant's claim limitations. Second, there is no suggestion or motivation in either Cooper or Kliot that would have led one to select the references and combine them in a way that would produce the invention defined by Applicant's claim 1.

The combined disclosures of Cooper and Kliot do not teach or suggest all of Applicant's claim limitations. Applicant's claimed bag includes "a bottom wall and first, second, third, and fourth side-wall portions extending along respective edges of the bottom wall, a front wall connecting with said side-wall portions, and a bag strap with two ends connected to the first side-wall portion by a connecting fitting, the strap extending through a strap transit fitting on the bag." In Applicant's claimed bag, "the strap transit fitting is attached to the second side-wall portion located immediately opposite the first side-wall portion; the fitting connecting the strap ends is able to pivot in a plane of the first side-wall portion; and the strap is capable of being arranged to lie in flat abutment with and along the first and the second side-wall portions and in flat abutment with and along the intermediate third side-wall portion."

Thus, Applicant's claimed bag has two opposite major surfaces 51 and 61, a series of mutually connecting narrow side-wall portions 11, 21, 31, and 41, and a shoulder strap 3. At side-wall portion 21 there is a transit bracket 40 through which the strap 3 passes. At the opposite side-wall portion 11 there are two anchoring brackets 12 for the ends of the strap 3.

There are various structural differences between Cooper's backpack and Applicant's claimed bag. Although Cooper has an anchoring loop 20 for the strap 14, the loop 20 is not located on the side-wall portion that is opposite to the side-wall portion to which the strap ends are connected, as defined in Applicant's claim 1. Instead, Cooper's anchoring loop 20 is on back panel 36, and the strap 14 attaches to detachable hook 32 and ring 34. Each ring 34 is connected to a loop that appears to be connected to the base 30 of Cooper's backpack (see Cooper Figure 1).

Another feature of Applicant's claimed bag is that each of the brackets 12 can pivot around an axis 13 that is perpendicular to the surface of the side-wall portion 11. The pivoting brackets 12 enable the bag to be employed in two carrying modes. In one mode (see Applicant's Figures 3 and 4 depicting strap loop 46), the brackets 12 pivot so as to enable strap 3 to "lie in flat abutment with and along the first and the second side-wall portions and in flat abutment with and along the intermediate third side-wall portion." In another mode (see Applicant's Figures

1 and 2), the brackets 12 pivot so as to enable strap 3 to form two shoulder loops 45, i.e., a shoulder loop 45 on each respective side of the wearer's neck when the bag is used as a backpack.

Contrary to the assertion in the Office Action, Cooper does not disclose "that the fitting (20) connecting the strap ends (14) is able to pivot in the plane of the first side-wall (30)." Instead, Cooper discloses "an anchoring loop 20 on a back panel 36 of the backpack 10" (Cooper col. 3, lines 50-51; see Cooper Figures 1 and 2). Cooper then discloses (col. 3, lines 62-67) that

[i]mportant to the shoulder harnessing system provided by the present invention is the anchoring loop 20 through which the shoulder strap 14 passes. This anchoring loop 20 permits sliding of the shoulder strap 14 therethrough for continuous length adjustment to create slack 50 or 70 in either the left side 16 or the right side 18 of the shoulder strap 14.

Furthermore, Cooper discloses that "[i]n the preferred embodiment, the anchoring loop 20 has a rectangular shape and is sewn to the back panel 36 of the backpack 10" (emphasis added) (Cooper col. 4, lines 2-4). Cooper, therefore, certainly does not disclose "that the fitting (20) connecting the strap ends (14) is able to pivot in the plane of the first side-wall (30)" as asserted in the Office Action.

Thus, Cooper does not disclose any pivotable fitting connecting the strap ends (i.e., Applicant's claim 1 defines a "fitting connecting the strap ends [that] is able to pivot in a plane of the first side-wall portion"). Rather, Cooper's Figure 1

depicts the rings 34 extending outward from the backpack perpendicular to the plane of back panel 36. Moreover, as depicted in Cooper's Figure 1, the rings 34 appear to be fixed by the loop under backpack base 30 (i.e., Cooper does not disclose how the rings 34 are attached to the bag).

As indicated above, according to Applicant's claimed bag, having each fitting 12 be pivotable around axis 13 means that in the backpack mode the strap 3 end portions can be oriented in different directions (as needed for wearers having different neck widths) and still lie flat over the shoulders (the strap edges will not cut into the shoulders). In addition, in the strap loop 46 mode, the pivotable fittings enable strap 3 to lie flat and compact around the bag circumference defined by the narrow side-wall portions.

The disclosure of Kliot does not rectify any of the above-described deficiencies of Cooper. For example, the Office Action asserts that "Kliot teaches the strap transit fitting (60 & 62) is attached to the second sidewall portion located immediately opposite the first sidewall portion for the purpose of the user accessing the strap easier." Applicant respectfully disagrees. Kliot actually discloses that "strap guides 60 and 62 are permanently affixed to right and left side of the top of the bag 10" (Kliot col. 4, lines 42-44). Kliot also discloses (col. 3, lines 53-62) that

[a] right side connector system and a left side connector system are provided. The left side connector system

includes mating elements, preferably side release connector elements 32 and 34. Side release female connector element 34 preferably is permanently attached to left side 50 of traveling bag 10. Desirably the connector element 34 is sewed, glued or otherwise adhered to the bag so that it is securely attached. Preferably the connector element 34 is located near the bottom of the side 50.

As is evident from the above-quoted descriptions and from Kliot's Figure 1, Kliot's strap guides 60 and 62 are attached to sides of the top of the bag, and the strap connector element 34 is located "near the bottom of the side 50." Thus, Kliot's configuration is different from that which is asserted in the Office Action. Kliot's bag is also different from Applicant's claimed bag that includes "a bag strap with two ends connected to the first side-wall portion by a connecting fitting, the strap extending through a strap transit fitting on the bag," with "the strap transit fitting [being] attached to the second side-wall portion located immediately opposite the first side-wall portion."

The disclosure of Kliot similarly does not rectify Cooper's deficiency with regard to Applicant's requirement that "the fitting connecting the strap ends is able to pivot in a plane of the first side-wall portion." As indicated above, Kliot discloses that "[s]ide release female connector element 34 preferably is permanently attached to left side 50 of traveling bag 10," and that "[d]esirably the connector element 34 is sewed, glued or otherwise adhered to the bag so that it is securely attached"

(see Kliot Figure 1). A connector element that is "sewed, glued or otherwise adhered to the bag so that it is securely attached" is structurally different from Applicant's claimed pivotable fitting.

Second, the claimed invention would not have been obvious because there is no suggestion or motivation in either Cooper or Kliot that would have led one to select the references and combine them in a way that would produce the invention defined by claim 1.

As indicated above in the summary of the grounds of rejection, the Office Action concludes that "[i]t would have been obvious . . . to make the strap transit fitting attached to the second side-wall portion as taught by Kliot with the bag of Cooper in order to enhance the users gripping and carrying posture."

Applicant respectfully disagrees. As explained above, one feature of Applicant's claimed invention is the pivoting fitting. Applicant discloses that one object of the invention is to provide a bag that is comfortable to carry (see specification page 1, lines 14-20). Applicant also discloses that when the bag is worn in the backpack mode, "the difference in the pressure at which the strap edges abut the wearer of the bag can be reduced as a result of the pivotal action of the fitting 12" (specification page 4, lines 8-10).

Neither Cooper nor Kliot recognizes the prior art problems addressed by Applicant's invention. And, the combination

of disclosures is illogical because Kliot does not even rectify the deficiencies of Cooper.

Thus, there is no suggestion or motivation in either Cooper or Kliot that would have led one to select the references and combine them in a way that would produce the invention defined by Applicant's claim 1.

For at least the above reasons, reconsideration and withdrawal of the rejection of claim 1 under § 103(a) based on the combination of Cooper and Kliot are respectfully requested.

35 U.S.C. § 103(a) - Cooper in view of Kliot, and
further in view of Courchesne

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Cooper in view of Kliot as applied to claim 1 above, and further in view of U.S. Patent No. 4,125,212 to Courchesne.

The Office Action acknowledges that "Cooper and Kliot do not disclose support feet disposed on the outside of the third sidewall portion to receive the strap between the feet."

The Office Action asserts that "Courchesne teaches support feet (8) disposed on the outside of the third sidewall portion (See Figures 1 - 4), to receive the strap (10) between the feet (8) (See Figure 7) for the purpose of storing the strap ends." The Office Action concludes that "[i]t would have been obvious . . . to make

the support feet as taught by Courchesne with the bag of Cooper in order to enhance aligning the strap."

Regardless of what Courchesne may disclose with regard to support feet, Courchesne fails to rectify any of the above-described deficiencies of Cooper and Kliot. Since claim 1 is allowable over the asserted combination of Cooper and Kliot, claim 2, which depends from claim 1, is similarly allowable.

For at least the above reasons, reconsideration and withdrawal of the rejection of claim 2 under § 103(a) based on the combination of Cooper, Kliot, and Courchesne are respectfully requested.

35 U.S.C. § 103(a) - Cooper in view of Kliot, and
further in view of Wadden

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Cooper in view of Kliot as applied to claim 1 above, and further in view of U.S. Patent No. 5,881,932 to Wadden.

The Office Action acknowledges that "Cooper and Kliot do not clearly disclose the first and the second sidewall portions are shorter than the third and fourth sidewall portions."

The Office Action asserts that "Wadden teaches the first (24) and the second (26) sidewall portions are shorter than the third (20) and fourth (22) sidewall portions (See Figure 1) for the purpose of making the bag [sic "bag"] rectangular." The Office Action concludes that "[i]t would have been obvious . . . to make

the sidewall portions as taught by Wadden with the bag of Cooper in order to enhance the rectangular design shape."

Regardless of what Wadden may disclose with regard to the relative lengths of the sidewall portions, Wadden fails to rectify any of the above-described deficiencies of Cooper and Kliot. Since claim 1 is allowable over the asserted combination of Cooper and Kliot, claim 3, which depends from claim 1, is similarly allowable.

For at least the above reasons, reconsideration and withdrawal of the rejection of claim 3 under § 103(a) based on the combination of Cooper, Kliot, and Wadden are respectfully requested.

New claims 8-13 have been added to further define the scope of protection sought for Applicant's invention. New claims 8-13 are also allowable. Independent claim 8 defines a bag that includes "a strap transit fitting for guiding the bag strap, the fitting attached to the second side-wall portion located immediately opposite the first side-wall portion" and "a first and a second connecting fitting each connecting the strap to the first side-wall portion, the fittings each able to pivot in a plane of the first side-wall portion."

Independent claim 11 defines a bag that includes "a first sidewall and a second sidewall disposed on opposite sides of the bag," "a strap guide attached to the second sidewall," and "a first and a second strap fitting attached to a central portion of the first sidewall, each of the strap fittings having connected thereto


a respective one of the strap connectors such that each of the strap ends is capable of pivoting in a plane of the first sidewall so as to enable the bag to be carried in either of the two modes."

Since each of independent claims 8 and 11 includes both the strap guide and the pivotable strap ends limitations discussed above with respect to the applied prior art references, none of the references of record either anticipates or would have rendered obvious the bag defined by any of new claims 8-13.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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